



Attorney Docket 054800-5004

#9
5-19-03
PATENT
[Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Roderic Dale *et al.***

Application No. **09/847,654**

Filed: **May 3, 2001**

For: **Antimicrobial Compounds and Methods for
Their Use**

Group Art Unit: **1623**

Examiner: **G. Krishnan**

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97(b)

Pursuant to 37 C.F.R. 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449 forms. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due with the filing of this paper.

The present application is a continuation-in-part application of U.S. Application 09/281,858 (filed March 31, 1999) which is a continuation-in-part application of U.S. Application 09/222,009 (filed December 30, 1998), now U.S. Patent 6,211,349. Information Disclosure Statements for these applications were previously filed and a copy of each PTO-1449 form filed is attached. The form PTO-1449 (page 5) also includes references cited by the Examiner in the above-referenced parent application and in the corresponding related International Application PCT/US02/13910. U.S. Application 09/282,824 is a continuation of U.S. Application 09/222,009 and a copy of the forms PTO-1449 filed in this application is also attached. The Examiner's attention is respectfully directed to the art of record in these prior applications and thus copies of the references are not being submitted in this application.

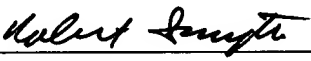
Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached forms. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute prior art. If the Examiner applies any one of the documents as prior art against any claim in this application, and Applicants determine that the cited document does not constitute prior art under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **April 17, 2003**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Robert Smyth
Registration No. 50,801

Substitute Form PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEINFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Attorney Docket	054800-5014
First Named Inventor	Roderic M.K. Dale et al.
Application Number	09/847,654
Filing Date	May 3, 2001
Group Art Unit	1623

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA-1	5,294,533	03/15/94	Lupski et al.			

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AB-1	WO 96/29399	09/26/96	PCT				

OTHER DOCUMENTS (including Author, Title, Date, Place of Publication)

	AC-1	Archer et al., 1994, <i>Antimicrob. Agents Chemother.</i> 38:2231-2237
	AD-1	Bennett, 1993, <i>Antisense Res. Devel.</i> 3:235-241
	AE-1	Cohen, 1989, <i>Oligodeoxynucleotides; Antisense Inhibitors of Gene Expression</i> , Boca Raton, FL, CRC Press
	AF-1	Crooke, 1997, in <i>Antisense Nucleic Acid and Antisense RNA: Novel Pharmacological and Therapeutic Agents</i> , B. Weiss ed., CRC Press Boca Raton, FL., p. 17
	AG-1	Goth, 1974, <i>Medical Pharmacology: Principles and Concepts</i> , The C.V. Mosby Company, Saint Louis, MO
	AH-1	Hoke et al., 1991, <i>Nucl. Acids Res.</i> 19:5743
	AI-1	Hughes et al., 1995, <i>Pharmaceutical Research</i> 12:817
	AJ-1	Krieg et al., 1995, <i>Nature</i> 374:546-549
	AK-1	Kristinsson, 1995, <i>Microb. Drug Resistance</i> 1(2):121
	AL-1	Woodford et al., 1995, <i>J. Antimicrob. Chemother.</i> 35:179-184
	AM-1	Yamamoto et al., 1994, <i>Antisense Res. Devel.</i> 4:119-122
	AN-1	Zabransky et al., 1995, <i>J. Clin. Microbiol.</i> 33(4):791-793

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EXAMINER

DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.


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							YES	NO

OTHER DOCUMENTS (including Author, Title, Date, Place of Publication)

AA-1	Cameron, <i>British Journal of Theatre Nursing</i> (August 1997) 7(5):5-7
AB-1	Freeland, <i>Hosp Med</i> (June 1998) 59(6):484-7
AC-1	Jones et al., <i>Nurs Stand</i> (June 17-23, 1998) 12(39):47-52
AD-1	Spotnitz et al., <i>Surg Clin North Am</i> (June 1997) 77(3):651-69
AE-1	Staley et al., <i>Adv Wound Care</i> (Mar-Apr 1997) 10(2):39-44

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Form PTO-1449
(MODIFIED)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
054800-5014SERIAL NO.
09/847,654

INFORMATION DISCLOSURE CITATION

APPLICANT

Roderic M.K. DALE et al.

FILING DATE

May 3, 2001

GROUP ART UNIT

1623

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

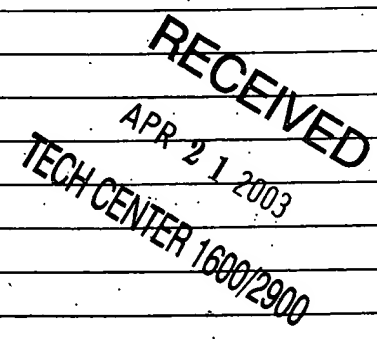
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	A1	WO 98/23294	June 4, 1998	WIPO				
	A2	WO 90/14074	November 29, 1990	WIPO				
	A3	WO 98/03533	January 29, 1998	WIPO				
	A4	WO 94/15619	July 21, 1994	WIPO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.



Substitute Form PTO-1449

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OTHER DOCUMENTS (including Author, Title, Date, Place of Publication)

AA-1	Burns et al., <i>Advances in Pediatric Infectious Diseases</i> 8:53-67 (1993)
AB-1	Gould et al., <i>Lancet</i> , 22:1377-79 (1981)
AC-1	Levy et al., <i>J. Infect. Dis.</i> , 148:1069-1076 (1983)
AD-1	Pennington, <i>Rev. Infect. Dis.</i> , 3:67-73 (1981)

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PTO Form 1449

Attorney Docket
054800-5014Application No.
09/847,654Applicant: **Roderic Dale *et al.***

Page 5 of 5

Filing Date: May 3, 2001

Group Art Unit: 1623

U.S. PATENT DOCUMENTS

Initial		Document No.	Date	Name	Class	Sub-Class	Filing Date
	aa	5,420,330	05/30/1995	Brush	558	185	09/07/1990
	ab	5,739,309	04/14/1998	Dattagupta <i>et al.</i>	536	24.5	05/30/1995
	ac	5,747,256	05/05/1998	Yan <i>et al.</i>	435	6	12/19/1995

FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Sub-Class	Translation
							No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	ad	Eck <i>et al.</i> (1996) The Pharmacological Basis of Therapeutics, Ninth Edition, McGraw-Hill, New York, pp. 77-101
	ae	Heidenreich <i>et al.</i> (1995) Application of antisense technology to therapeutics, Mol. Med. Today 1:128-133
	af	Mastrangelo <i>et al.</i> (1996) Gene therapy for human cancer: An essay for clinicians, Semin. Oncol. 23:4-21
	ag	Verma <i>et al.</i> (1997) Gene therapy – promises, problems and prospects, Nature 389:239-242
	ah	Wu-Pong (1994) Oligonucleotides: Opportunities for drug therapy and research, Pharmaceutical Technology 18:102-114
	ai	Zimmer <i>et al.</i> (1968) Studies on the conformation of protonated DNA, Biopolymers 6:563-574

Examiner

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